



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

SEP 24 2008

Ed Galbraith, Director
Water Protection Program
Division of Environmental Quality
Missouri Department of Natural Resources
P. O. Box 176
Jefferson City, Missouri 65102

Dear Mr. Galbraith:

The United States Environmental Protection Agency (EPA) has completed its review of the Missouri Clean Water Act (CWA) section 303(d) list of water quality-limited segments still requiring Total Maximum Daily Loads (TMDLs), submitted by the Missouri Department of Natural Resources (MDNR) on April 26, 2007. In its submittal, MDNR included the following items:

- Missouri's final 2006 CWA section 303(d) impaired waters list
- 2006 Listing Methodology Document
- Table showing the current status of waters on the Missouri 2002 303(d) list not appearing on the 2006 list
- Summary of the 303(d) status of border and interstate waters
- Administrative record of all public comments received by MDNR during both of MDNR's public comment periods from October 11, 2006 through January 17, 2007, and March 7, 2007 through April 16, 2007
- Responses to the public comments
- Complete set of data files and/or data summaries pertaining to all 2002 and 2004/2006 303(d) listings.

Table 15 of the *Missouri Water Quality Report 2006* submitted by Missouri contains the state's CWA section 303(d) list as approved by the Missouri Clean Water Commission. The table lists 74 water quality-limited segments, comprised of 103 water body/pollutant pairs, still requiring TMDLs subject to EPA approval. Subsequent to the initial submittal, additional data became available supporting the delisting of 4 waters, bringing Missouri's list to a total of 99 water body/pollutant pairs. On September 27, 2007, EPA partially acted on Missouri's submission, approving the listing of 38 water body/pollutant pairs and the delisting of 131 water bodies and corresponding pollutants. Based on its completed review, EPA has determined that MDNR's list of water quality-limited segments still requiring TMDLs partially meets the requirements of section 303(d) of the CWA and EPA's implementing regulations. Therefore, today EPA is partially approving and partially disapproving Missouri's 2004/2006 CWA section 303(d) list. The enclosure to this letter provides a more detailed rationale of today's action and

provides a consolidated summary of today's and the September 27, 2007, decisions on Missouri's 303(d) list. In today's decision:

- EPA approves the listing of 5 water body/pollutant pairs without changes.
- EPA approves the listing of 56 water body/pollutant pairs, but is adding additional segment length to the list.
- EPA approves the delistings of 52 water quality-limited segments because they no longer require a TMDL.
- EPA disapproves MDNR's decision not to list 135 water bodies and associated pollutants.
 - Specifically, EPA is disapproving the removal by MDNR of 49 water bodies or pollutants from the state's list and is restoring those to the state's list.
 - EPA is also adding 86 water bodies and any associated pollutants to Missouri's list of impaired waters.

EPA will open a public comment period to receive comments concerning the decision to add additional segment length to certain waters included by Missouri on their 303(d) list and the decision to restore/add 135 water body/pollutant pairs to the state's list. The list of the 135 water bodies which EPA is restoring/adding to the 2006 Missouri list, as well as the rationale supporting this action, is included as an enclosure to this letter.

I congratulate you and your staff for the completion of the list development and submission process. This process requires a significant amount of staff resources and involves a complex evaluation and assessment of water quality data. We look forward to working with MDNR on the development of the 2008 section 303(d) list.

If you would like to further discuss EPA's action, please contact me at 913-551-7401, or John DeLashmit, Chief of the Water Quality Management Branch at 913-551-7821.

Sincerely,



William A. Spratlin
Director
Water, Wetlands and Pesticides Division

Enclosure

cc: Missouri Department of Natural Resources:

Mr. Rob Morrison
Mr. John Ford
Mr. Phil Schroeder
Mr. John Hoke
Mr. Refaat Mefrakis